

*a memorandum from the*

# Glendale Police Department

*Integrity • Courage • Excellence • Respect • Compassion • Dedication*

**DATE:** July 3, 2019  
**TO:** Matthew Salyers #17073, Police Officer  
**FROM:** Rich LeVander, Assistant Chief of Police *(RL)*  
**SUBJECT:** **NOTICE TO SUSPEND WITHOUT PAY FOR FORTY (40) WORKING HOURS**

This memorandum serves as a Notice of Suspension without pay for forty (40) working hours. This action is based on your violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders. The Glendale Police Department conducted Administrative Investigation DI2019-017 into an allegation of excessive force. The finding of this investigation sustained the allegation made against you. Your misconduct constitutes major performance deficiencies and gross negligence in the performance of your job responsibilities.

On May 29, 2019, you were served with a Notice of Intent to Suspend for forty (40) hours. In accordance with Human Resources Policies and Procedures No. 513, you were given an opportunity to respond either orally or in writing, challenging the intended action. You exercised your due process rights and I have decided to move forward with the suspension. For additional information applicable to this action, please refer to your notice of intent.

## BACKGROUND

On March 6, 2019 at approximately 1604 hours, you and Officer Bill Johnston were working as a two-man unit in a marked patrol vehicle. You and Officer Johnston observed the driver of a vehicle commit a traffic violation when he failed to signal for a right-hand turn at North 59<sup>th</sup> Drive and West McLellan Road. Officer Johnston conducted a traffic stop on the vehicle and the vehicle stopped near 5900 West Lamar Road. Officer Johnston contacted the driver and attempted to obtain a driver's license from him. The driver refused to provide identification and Officer Johnston attempted to arrest him. The driver resisted the arrest by pulling away from Officer Johnston. You entered the vehicle on the passenger side and attempted to assist in the arrest. The driver physically resisted officers by appearing to pull away from control holds. You delivered several hard-empty hand strikes to his head, which resulted in him receiving a laceration under his right eye. This laceration to the driver's eye later required treatment at a hospital, which resulted in **hippa**. The driver was ultimately taken into custody, treated at the hospital, and booked for failure to provide identification as the driver and resisting arrest.

Based on the facts learned during this investigation conducted by Sgt. Jarrod Smith, it appeared the driver physically resisted the officers' attempts to arrest him by pulling his arms away from control holds but his resistance did not rise to the level of active

aggression. According to Glendale Police Department policies on the use of response to resistance techniques, using hard empty hand strikes targeting the head are allowed during active aggression levels of resistance or higher. Department policy outlines the use of hard empty hand strikes that avoid the head and neck can be used at physical resistance. Your use of hard empty hand strikes to the driver's head were violations of response to resistance techniques outlined in department policy.

Based upon the suspect's resistance at the time of your use of force, review of the video-recordings, and subject matter expert review of the circumstances, the amount of force you used against the suspect was not within policy. Therefore, the allegation against you is **SUSTAINED**.

Your actions clearly impact the efficient operation of the Department. Your conduct in this incident demonstrates a serious lack of judgment and is unbecoming of a Glendale police officer. You clearly violated policy. You have displayed conduct that not only causes the public to lose trust in the employees of the Glendale Police Department, but also affects the day-to-day operations of this organization, as well as the morale of its employees.

#### **PREVIOUS DISCIPLINARY ACTIONS**

None

#### **POLICY VIOLATIONS**

Your conduct demonstrates major performance deficiencies and is in violation of the following **City of Glendale Human Resources Policies and Procedures**:

##### **No. 504 – Employee Conduct**

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees. Employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public employees, and never use their City position or power for improper personal gain. All employees are expected to respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

##### **No. 513 – Disciplinary System, Section II.E.2 Major Deficiencies**

These are acts that involve questions of trust or honesty, constitute a threat to the orderly City operations or pose a threat to the health, welfare or safety of employees or other individuals.

- Conduct unbecoming of a City employee
- Abuse of authority over the public
- Unauthorized physical contact, upon another person, while on duty
- Conduct, which is a conflict in the performance of your duties

Your conduct is also in violation of the following Glendale Police Department General Orders:

**G.O. 23.002 Response to Resistance**

Employees will follow policies, orders, directives and regulations, either written or oral.

**23.002 Philosophy**

A. Response to Resistance (RTR): It is the philosophy of the Glendale Police Department to use only the amount of force or control reasonably necessary to conduct lawful public safety activities and the mission of the department. The method of force/control used is predicated on the circumstances of the contact and the amount of resistance presented by the suspect. Employees will only use the amount of force/control reasonably necessary to overcome this resistance, protect property, and save lives. Under no circumstances will the force/control used be greater than necessary to achieve lawful objectives. Deadly force should not be used unless an employee reasonably believes it is necessary to protect the employee or other persons from imminent danger of death or serious physical injury.

**Sanction: G.O. 23.002 Response to Resistance**

Failure to comply with policies, orders, directives, regulations, etc., either oral or written when violation of such policy, order, directive, regulation, etc. involves a misuse or abuse of authority or an ethical offense, OR that creates or poses the potential for a major adverse impact on public safety or the professional image of the Department. CLASS 5

**SUMMARY**

Your actions described in this Notice are not in keeping with the image and high standards of performance expected of City employees and reflect poorly on the Department. Your conduct demonstrates a serious lack of judgment and professionalism. Such conduct diminishes the public's trust and is inconsistent with the manner in which the Police Department expects officers to conduct themselves.

Your actions constitute major performance deficiencies in violation of City of Glendale Human Resources Policies and Procedures and Police Department General Orders. As a result of your violation of Department and City rules and policies, I am suspending you without pay for forty (40) working hours.

Consistent with General Order 21.073 Testing Guidelines for Performance Based Assignments, this memorandum shall become part of the Professional Standards Unit file review, and will be considered throughout the duration of the disciplinary probation and in the selection process for future assignments and promotional opportunities.

You are further notified that immediate and sustained improvement in your job performance is expected. Your failure to adhere to the direction provided in this memo or other performance deficiencies will not be tolerated and will result in further disciplinary action, up to and including termination.

**DUE PROCESS**

You are hereby notified that Human Resources Policies and Procedures 513.II.G.2.e gives you fourteen (14) calendar days from receipt of this letter in which to file a written Notice of Appeal of this action to the City Personnel Board. This Notice should be directed to Jim Brown, Director Human Resources and Risk Management, 5850 West Glendale Avenue, Glendale, AZ 85301. Failure to file a written Notice of Appeal by 5:00 p.m. on July 17, 2019, waives your procedural due process rights and terminates your right to a hearing relative to your suspension.

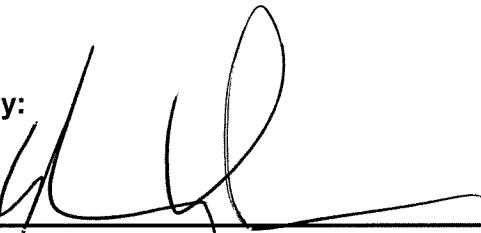
**Acknowledgement of Receipt:**

  
Matthew Salyers

7/3/19

Date Received

**Served by:**

  
Rich LeVander, Assistant Chief of Police

7-3-19

Date Served